UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1994/SR.50
21 June 1996

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 50th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 2 March 1994, at 3 p.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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GE.94-12017 (E)

The meeting was called to order at 3.20 p.m.

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 19) (continued) (E/CN.4/1994/73 and Add.1, 75, 76 and Add.1, 77 and Add.1, 78 and Add.1, and 109; A/CONF.157/23)

1. Mr. KIRBY (Special Representative of the Secretary-General on Human Rights in Cambodia), introducing his report to the Commission (document E/CN.4/1994/73 and Add.1), began with a brief history of the situation in Cambodia. He spoke of the destabilization caused by massive aerial bombing in the "sideshow" to the Viet Nam war, the dislocation of the population and the unequalled genocide which had followed the proclamation of "year zero", the invasion which had brought relief from the worst cruelties but had resulted in Cambodia's isolation from the international community, the change brought about by the Paris Peace Agreements and the establishment of the United Nations Transitional Authority in Cambodia (UNTAC), the holding of free elections, the establishment of a coalition Government, the adoption of a new Constitution and a constitutional monarchy under King Norodom Sihanouk, and the ratification of numerous human rights instruments. He called on the international community to provide real assistance to Cambodia, which was struggling to rebuild and to set up an infrastructure capable of protecting human rights. He said that he had never seen a situation as shocking as the one which had greeted him on his first mission to the country as Special Representative of the Secretary-General and described the despair on the face of a man as he gazed at his brother's mutilated body, the situation of a judge who had nothing, not even paper on which to record his decisions, the problems of another judge, in Phnom Penh, who gently complained of his monthly salary of US$ 20 and the fact that his wife must sell produce in the market, and the plight of the surgeons in a Phnom Penh hospital, who had described the dangers of out-of-date pharmaceutical products, water that was unsafe for drinking and an unstable supply of electricity. In Cambodia, 20 per cent of the population was under four years of age, yet schooling lasted an average of only two years in the countryside and four years in the cities, illiteracy among women was very high, the economy was in ruins and the country, once a food exporter, was reduced to importing rice.

2. For more detailed information, he referred the Commission to his report (E/CN.4/1994/73 and Add.1), which described his approach. He had sought to win the confidence of the Government and people of Cambodia and to assist them in rebuilding a society that respected human rights. The idea was to help people to help themselves so that human rights would become a true national movement rather than something imposed from outside. He had received the unqualified support of the Royal National Government of Cambodia, which had opened all doors to him and which he warmly praised. However, Cambodia was a traumatized country with enormous needs: civil society must be rebuilt from the ground up, there was an urgent need for national institutions to protect human rights, and the many flaws in the legal system must be rapidly corrected. All the Cambodian leaders recognized the country's needs and the dangers that threatened it.

3. His report was divided into two parts: the addendum combined his conclusions and recommendations (E/CN.4/1994/73/Add.1), while the full report (E/CN.4/1994/73) traced the history of the situation and reviewed the current

situation of the various categories of human rights in the country. It then examined the establishment and activities of the Office of the Centre for Human Rights in Cambodia, which consisted of a small team of dedicated workers who deserved the full support of the international community, particularly since their funds had almost run out. Unless the effort which had been begun was sustained, the Cambodian people might lose confidence in their new democratic government, which would be disastrous for the future of the country; an equal danger was the security problem, especially in the north-west region.

4. In his report, he had raised two questions which might appear to exceed his mandate, but which he considered particularly important. The first problem was that of land-mines, which took a daily death toll and were profoundly destabilizing Cambodian society. The international community could not ignore that problem, and it was essential that emergency measures should be taken. He drew particular attention to his recommendation that the Governments and armed forces of United Nations Member States should desist from providing direct or indirect support to the armed groups which had refused to participate in the democratic process. He explicitly mentioned the Khmer Rouge, with which he had unsuccessfully tried to meet during his mission. To that armed resistance was joined the parallel problem of banditry, which flourished throughout the country. Under those circumstances, it would doubtless be useful to provide specific training for all United Nations peace-keeping forces and, in particular, to sensitize them to the risks of acquired immunodeficiency syndrome (AIDS). He suggested the adoption of a disciplinary code and of ready means of redress for alleged harm caused by United Nations troops.

5. During his next mission to Cambodia, which would take place in July and August of the current year, he would concentrate on the fate of certain vulnerable groups. He hoped that funding would be made available so that the necessary technical assistance could be provided. He concluded by thanking the Royal and National Government of Cambodia, the Governments of France, Australia and Thailand, the many non-governmental organizations (NGOs) which had helped him during his mission and, above all, the Cambodian people, who had shown immense courage and whom the world community must not forsake.

6. Mr. MOULY (Cambodian Minister of Information) said that he welcomed Cambodia's return to the international community. The Kingdom of Cambodia was fully committed to human rights, democracy and freedom, to the reconstruction and development of the country and to a lasting peace. Human rights violations were a root cause of the tragedy that had afflicted the Cambodian people. In that regard, the Supreme National Council of Cambodia had signed various international instruments on human rights, in particular the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, and the Convention and Protocol relating to the Status of Refugees. In 1993,

UNTAC had succeeded in containing the waves of human rights violations which took the form of intimidation and violence against political opponents and that of ethnic violence. During that year, UNTAC had also held elections, in which 90 per cent of the registered voters had cast their ballots to elect a Constituent Assembly. That Assembly had drafted the Constitution, which had been adopted in September 1993, and had then become a National Assembly composed of nine commissions, including a Commission on Human Rights. The new Royal Government of Cambodia, which had been sworn in at the end of October 1993, had the daunting task of rebuilding the country, which was in ruins. It had the parallel task of reconstructing civil society and, in order to do so, creating new institutions and adopting new laws. Draft legislation currently under consideration included organic laws on the establishment of the Constitutional Council and the Supreme Council of Magistracy, laws on the press, immigration, the organization of the legal profession, the organization of the judiciary and demonstrations, a penal code and a code of criminal procedure.

7. The Royal Government welcomed the opening of the Centre for Human Rights in Phnom Penh and had lent it all cooperation. It also welcomed the appointment of Mr. Kirby to the post of Special Representative for Human Rights in Cambodia. The Government was promoting openness, accountability and popular participation in public affairs. For example, it had recently introduced a new television programme, Meeting the Ministers, in which a minister or important political figure was invited to debate issues with the public audience. There was full freedom of the press and Cambodia currently had 30 national newspapers. King Norodom Sihanouk, a constitutional monarch, acted as ombudsman for his people.

8. With regard to the penal system in Cambodia, he said that capital punishment had been abolished and that torture, corporal punishment, chains and dark cells were now history. There were no more political prisoners in the country and the police, the courts and the prison authorities were making efforts to ensure humane treatment of persons in custody. An accused person must be brought before a judge within 48 hours of arrest and could not be held for over 6 months without trial. He or she had a right to a lawyer and to visits from family members, and a court official inspected each prison twice a month. However, there were still serious problems, such as trial backlogs, as a result of which some prisoners were held in custody for longer than six months before being brought to trial. That problem was due to the lack of qualified judges and the low salaries which they received. There was also a shortage of prisons and prison cells owing to a lack of resources. However, the prison authorities managed to separate male from female prisoners, and those with contagious diseases were held separately from the others.

9. The human rights situation in Cambodia had greatly improved in a short time, but there were many threats to the new system. He gave the example of the Khmer Rouge but expressed confidence that that problem would be solved. However, he recognized that, as long as it persisted, human rights in the country would be threatened, if only because of the easy accessibility of guns. He launched an urgent appeal to the international community to stop all direct or indirect assistance to the Khmer Rouge. Reiterating the Cambodian Government's commitment to human rights and fundamental freedoms, he emphasized the country's many needs and said that hungry people appreciated

human rights, but also needed food. He welcomed the continued presence of the Centre for Human Rights, which the country badly needed, and listed the areas of greatest financial need (training in the implementation of relevant constitutional and human rights provisions for the police and the military, lawyers, judges and citizens; judges' salaries; medical care for prisoners; vocational and handicraft training facilities and their required equipment and staff; crèches for the children of female prisoners; and prison construction.

10. He drew attention to the existence of some 10 million mines which had been laid over the past 2 decades. That was a serious problem which was an obstacle to the freedom of movement of the entire Cambodian population and to its enjoyment of its economic and social rights. The Royal Government of Cambodia had created the Cambodian Mine Action Centre, which had made de-mining sites non-combat zones in order to facilitate operations. Unfortunately, however, the Khmer Rouge was continuing to lay mines. He again appealed to the international community to provide Cambodia with funding and technical expertise to help it to address that problem, which was a true scourge and a permanent threat to the Cambodian people.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued) (E/CN.4/1994/3, 4, 5, 6, 7 and Corr. 1 and Add. 1 and 2, 8, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 97, 102, 103, 104, 110, 115, 119 and 122; E/CN.4/1994/NGO/7, 9, 12, 13, 14, 15, 22, 23, 24, 26, 28, 29, 37, 40, 42, 43 and 44; A/48/584, 561, 556 and Add.1, 562, 578, 600 and Add.1 and 601)

11. Mr. JIN Yongjian (China) said that the promotion and protection of human rights was a lofty ideal of human society to which China fully subscribed and which it had always sought to achieve. The Chinese Constitution clearly stipulated that all power in the People's Republic of China belonged to the people and guaranteed its citizens many political, economic, cultural and social rights, including the right to vote and to stand for elections; they also enjoyed fundamental freedoms such as freedom of speech, the press, assembly, demonstration and religion. The Constitution also guaranteed the equality of the 56 nationalities living in the country, irrespective of the size of their populations, and forbade any discrimination against them. The rights and interests of vulnerable social groups, such as women, children and the disabled, were protected by specific laws and regulations. The rights and fundamental freedoms of Chinese citizens were also protected under the law by the judicial and public safety authorities. No one could be arbitrarily arrested or tortured. The judicial authorities strictly abided by the laws, were not subject to any interference and, in fact, played a highly important role in safeguarding the human rights and personal dignity of individuals.

12. Like many other countries, China had been the victim of foreign aggression and, before 1949, the Chinese people had long been oppressed and enslaved by imperialists and capitalists. Since that time, the Chinese Government had been working to uphold national independence and sovereignty

and the territorial integrity of China, and it attached great importance to the Chinese people's right to development. Over the past four decades, China had made major economic progress which had led to a steady improvement in the standard of living of the population, particularly since its opening to the outside world in the late 1970s. During the past year, China had expanded its programme of reforms and maintained the pace of its economic development while further strengthening democratic principles so that, at present, Chinese citizens enjoyed greater human rights and fundamental freedoms than at any time in the past. However, despite the significant progress made in all fields, as a heavily populated developing country, China was faced with many problems. There were still disparities in development levels between regions, and overpopulation had led to problems in resource provision and distribution which had not yet been fully solved. For that reason, the Government was focusing on economic development, which was an indispensable condition for the full exercise of human rights and fundamental freedoms. To that end, China was ready to take advantage of the experience of other countries, and to develop exchanges with those countries, provided that it remained free to choose its own path - in other words, its methods of development and social system - for no country had the right to impose on others its own ideology and development pattern.

13. In the field of human rights, in accordance with the spirit of the Vienna Declaration and Programme of Action, all countries should strive for greater cooperation, through dialogue, on the basis of equality and mutual respect. His Government was opposed to any interference in the internal affairs of a sovereign State and to the exertion of political pressure in the name of human rights. Some Western countries persisted every year in submitting to the Commission a draft resolution on the supposed human rights situation in China, deliberately turning a blind eye to the progress made in that country and to the fact that the Chinese people enjoyed a broad range of human rights and fundamental freedoms. The Chinese Government was firmly opposed to any such attempt to politicize human rights issues. China had always endeavoured to uphold the purposes and principles of the Charter of the United Nations and had always supported the efforts of the international community to safeguard and promote human rights. For example, it had acceded to eight international human rights instruments and duly fulfilled its obligations thereunder. China had always played a positive and constructive role in the field of human rights at the international level and would continue to do so.

14. With regard to agenda item 12 (a), his delegation hoped that it would be possible rapidly to find a just and reasonable solution to the conflict in Cyprus in accordance with the fundamental interests of the Greek and Turkish Cypriot communities, one which would guarantee their members the full enjoyment of their human rights and would be conducive to peace and stability in the region. His delegation took note of the efforts made by the parties concerned, over the past year, to achieve that goal on the basis of General Assembly and Security Council resolutions and the agreements reached between the leaders of the two communities in 1977 and 1979. China supported the role of mediator played by the Secretary-General of the United Nations and would continue to contribute to the search for a solution to the problem.

15. Ms. BAYDUR (Observer for Turkey) said that the World Conference on Human Rights had appealed to the United Nations Security Council to take all necessary measures to end the genocide in Boznia and Herzegovina. That genocide, which could, indeed, be qualified as such and which was the direct outcome of aggression and "ethnic cleansing", was still going on, and Turkey appealed to the international community to meet that exceptional challenge. Her delegation was deeply concerned by the ongoing conflict in Jammu and Kashmir, which could be peacefully and equitably settled within the framework of the relevant United Nations resolutions and the 1972 Simla Agreement.

16. She drew the Commission's attention to the similarities between ethno-nationalism, racism and fundamentalism, which affected almost all countries. Their common characteristics were violence and exclusion, which were the source of many human rights violations. A typical example was provided in Turkey by the Kurdish Workers' Party (PKK), which had been waging a terrorist war for the self-determination of the Kurds of Turkey since 1984. Prior to that time, no Kurdish group had committed acts of violence since 1946, the year in which Turkey had definitively opted for a democratic regime. The Kurds had always been active in every walk of life and one third of the parliamentary membership was of Kurdish origin, although the Kurds represented only about one fifth of the total population. Kurdish sources estimated that there were about 5 million mixed marriages. Under those circumstances, the claim that the PKK represented the Kurds was a fallacy. In fact, the majority of the civilians killed by the PKK were of Kurdish origin. The PKK gave the impression that it had broad popular support simply because the Kurds of the south-east had no other choice than to support it or be massacred by it. The PKK, which had taken a Marxist/Leninist line in its early days, had subsequently espoused a revolutionary ideology of ethno-nationalism, which bore a close resemblance to national socialism. It was not, as certain human rights advocates had claimed, the fear of the suppression of ethnic Kurdish identity which had led the leader of the PKK to advocate terrorism; it was clear from his books and articles that he was an enemy of the Kurdish tribal and family structures, that he was opposed to any institution, ethical system or religion and even to the existence of the State, and that he lacked the necessary socio-cultural values to build a stable and healthy ethnic identity. Furthermore, like his followers, he spoke only Turkish. Violence was apparently the only solution to his identity crisis. In his opinion, an ethnic Kurd was one who killed a Turk or was killed by a Turk. It was there that exclusive identity and violence overlapped.

17. However, ethnic identity could express itself in other ways. Those who respected their families, did not abandon their faith, did not reject their community and did not feel hatred for themselves or their ethnic group could seize the opportunities offered by the economic system in which they lived even while speaking their language and revering their age-old traditions; they did not have an identity problem. Moreover, some of them had banded together to defend themselves against the PKK, unfortunately with the same terrorist methods. That was the case of Hezbollah, which was not a creation of the State, as some NGOs had claimed. The problem was that the existence of those Kurds was forgotten by certain human rights organizations, such as Amnesty International, which concealed the fact that the civilian victims of the PKK were mostly those Kurds who were content with their identity, and

which presented the events taking place in south-east Turkey as a war between the Turkish security forces and the Kurds. The members of those organizations were, perhaps, unconsciously influenced by racism in their own countries, of which Turks were often the target. Moreover, there was a contradiction in the attitude of the PKK since it expected the State to ensure respect for the rights of the Kurds while openly declaring that its primary goal was the destruction of that State, although such destruction would cause society to regress to a primitive state where uncontrolled violence reigned. It would then no longer be possible to speak of human rights, which could be exercised only in a climate of peace. The suffering of certain ethnic groups in the past was not to be denied, but neither must it be forgotten that, as Thomas Hobbes had stated in Leviathan, man would always suffer, but the worst suffering was the horror of civil war.

18. Mr. BIJEDIC (Observer for Bosnia and Herzegovina) said that, for political reasons, nothing had been done to put an end to the genocide in Bosnia and Herzegovina. Many countries, out of concern for their own interests, had refused to face the truth and act. Those were the true motives underlying the current policy of appeasement and non-intervention, which was a return to the politics of balance of power. That attitude was not a new one. An in-depth study of the question would show that there was a close analogy between the policy of appeasement adopted towards the fascism of the 1930s and that practised towards the fascism of the 1990s. In fact, the war had only one goal: the Serbian elimination of Bosnia and Herzegovina through the annexation of the territories across the Sava river and the "ethnic cleansing" which would allow them at last to achieve their dream, a dream spoken of in one of his novels by the current President of the so-called Federal Republic of Yugoslavia (Serbia and Montenegro), Mr. Dobrica Cosic, whom the Serbs called "the father of the Serbian nation". That plan had been duly carried out, and over a million people had been evicted from their homes while those condemned to stay in besieged cities were subjected to fear, starvation and bombings. The extremist Croat forces of Bosnia and Herzegovina had used the same methods in the name of what they called the "Croatian national space".

19. Yet, under the pressure of certain Member States of the Security Council, the international community had conveniently failed to define what was happening in Bosnia and Herzegovina as aggression and genocide. It had limited itself to providing humanitarian aid to the population, whereas it should have stopped the carnage by any means necessary. The excuse offered by some States to justify their inaction had made them partners in the crime of genocide in Bosnia and Herzegovina. Those States had voluntarily fallen into the trap of aggressive nationalism. They had abandoned their obligation to implement the norms of international law and the principles set forth in the Charter of the United Nations and in all the human rights instruments. The United Nations experts who collected evidence on crimes against humanity and genocide worked sluggishly and indifferently, since they merely followed the biased instructions of the United Nations political centres. The unanimously adopted decision of the world conference on genocide in Bosnia and Herzegovina had never been acted upon and the Special Rapporteur on the situation of human rights in the former Yugoslavia was excluded from the negotiation process for the simple reason that he was honest. There was a growing tendency to display the few mistakes made by the victims in order to apportion guilt equally among the three warring parties. Rapid perusal of the decisions on the matter which

had thus far been taken by the Commission clearly revealed that there was a strong tendency to equate the victim with the aggressor, reach a false balance between right and wrong and avoid at any cost the international community's obligation to put an end to the crimes of war and genocide. The conflict in Bosnia and Herzegovina had been termed a civil war so that its end would correspond to that mistaken definition, in other words, by the partition of Bosnia and Herzegovina along ethnic lines, or rather according to the outcome of the so-called civil war. The legitimization of genocide seemed unavoidable.

20. Future historians would explore why and how that mistake had been made and why the international community had based its policy on Bosnia and Herzegovina on a false assumption, but humanity must continue to live with a terrible guilt: more than 200,000 people killed, more than 65,000 people wounded, more than 40,000 rapes, more than 16,000 children massacred, more than 6,000 amputees and more than 1 million refugees. Some day the war would end, but the memory of the terrible carnage which it had occasioned, and of the Bosnian holocaust, would remain forever etched in the memory of all those who had experienced or witnessed them.

21. Mr. BALIAN (Human Rights Advocates) said that the international community had recognized that the most serious human rights violations occurred during conflicts involving minorities or ethnic groups. Such conflicts were always preceded by flagrant, persistent human rights violations and threats levelled against the minority group. Very often, the international community was given advance warning of those violations by the NGOs, but it was reluctant to respond adequately to those warnings while constructive solutions were still possible. That reticence amounted to tacit encouragement to the Government concerned to commit further violations, and to the threatened minority group to resort to self-defence. During the past two years, three such conflicts had developed into full-scale wars in Tajikistan, Nagorny Karabakh and Abkhazia. In the case of Abkhazia, well before Georgian armed forces had invaded the territory in August 1992, NGOs had warned the international community, including the Commission and the Sub-Commission, of the deterioration of the human rights situation in that country. In the case of Nagorny Karabakh, the Armenians had, since February 1988, been the victims of massive violations of human rights and fundamental freedoms, repeated pogroms, deportations and constant threats. Since then, a number of NGOs had informed the international community, including the Commission and the Sub-Commission, of those violations, yet neither of those bodies had even taken note of the atrocities committed in that region, thereby encouraging further violations.

22. It was not too late for the international community, through the Commission, to contribute to the effective management of conflicts involving nationality in the independent republics of the former Soviet Union. It must not be forgotten that there were at least 80 potential conflicts involving nationalities in those republics. However, any such effort must be based on respect for minority groups' right to exist and preserve their identity and for the principle of self-determination. The principles of sovereignty and territorial integrity should in no case be used to call into question the last of those principles.

23. The Commission and the international community could support the peaceful settlement of conflicts involving nationality in the independent republics of the former Soviet Union by seeking to identify, as early as possible, situations which might degenerate into conflict, trying to deal with problems before violence exploded, providing technical assistance to promote and protect human rights, reviewing its role during the early stages of the Abkhazia and Nagorny Karabakh conflicts, and determining more effective ways to address similar early warning signs of such conflicts in the future.

24. Mrs. BRIE (France Libertés: Fondation Danielle Mitterrand) said that the peace process in El Salvador, of which the United Nations was so proud, was currently threatened, particularly by the continued activities of the death squads. Effective monitoring and protection of human rights and fundamental freedoms was, therefore, essential, and the situation of human rights in the country should be kept under review under agenda item 12. The acts of torture and enforced disappearances in Guatemala were condemned by the entire international community, and the State had proved incapable of ensuring adequate protection of its population. The situation of human rights in that country, too, should therefore be kept under review by the Commission under agenda item 12.

25. In Tibet, the Chinese authorities had decided to launch a programme of economic liberalization which gave human rights organizations cause for concern, since that liberalization had been accompanied by massive transfers of Chinese into the region. The consequences for the Tibetan population were disturbing. The 6 million Tibetans, currently subjected to severe restrictions on their movement and draconian regulation of their property, had become a minority in their own country. Furthermore, an openly discriminatory policy towards them meant that Tibetans had no access to medical care, education or culture. The policy carried out by China was in open violation of the fourth Geneva Convention of 1949, which forbade the transfer of civilian populations in occupied territories without their full and informed prior consent. China had ratified that Convention but was nevertheless resorting to practices which threatened the survival and culture of the Tibetan people. France Libertés: Fondation Danielle Mitterrand requested recognition of the Dalai Lama as the representative of one of the two parties in Tibet; the initiation of dialogue between the two parties, with no prior conditions, under the aegis of the United Nations; the appointment of a special representative by the United Nations Secretary-General with a view to considering the possibility of a negotiated solution to the conflict; the unconditional, unrestricted access of NGOs to Tibet; and reflection of the human rights violations and transfer of the Chinese population in a resolution explicitly mentioning the territory of Tibet.

26. In south-eastern Turkey, the situation of human rights was deteriorating steadily. For the past year, the principal international human rights organizations had been condemning the incipient genocide which threatened the Kurdish civil populations. For example, Kurdish parliamentarians, journalists, human rights activists, union organizers and intellectuals were regularly shot by the death squads, who acted with total impunity. All the evidence indicated that the repression in south-eastern Turkey was affecting the entire country, since eminent Turkish intellectuals were currently being arrested and imprisoned merely for having publicly raised the question of the

Kurdish problem. The Committee against Torture had, for the first time, made public the results of a study on Turkey, which made it clear that torture was undoubtedly being practised systematically in that country. It must not be forgotten that, as a result of the "dirty war" in south-eastern Turkey, hundreds of thousands of people had been deported, hundreds of villages and, wholly or in part, several towns, had been razed and burned and thousands of people whom the Turkish Government claimed were PKK militants but who were, too often, civilian victims, had been murdered. While some attacks were certainly the work of the PKK, witnesses agreed that the army was also engaging in atrocities which, with the help of the media, it pinned on the PKK.

27. For several months, the Turkish and Iranian air forces had been bombing the Kurdish populations in northern Iraq with total impunity, usually in the no-fly zone north of the 36th parallel. Contrary to the claims of the two Governments, most of the victims were civilians. France-Libertés: Fondation Danielle Mitterrand requested that the Commission to condemn Turkey and consider all appropriate measures in view of the exceptional seriousness of the situation, including the appointment of a Special Rapporteur; it also asked that the special rapporteurs on torture and summary executions should immediately take all necessary steps to carry out an on-site fact-finding mission, that negotiations should be started with a view to resolving that conflict, which had caused over 10,000 deaths since 1984, and that everything possible should be done to put an end to the Turkish and Iranian bombings in northern Iraq.

28. Ms. NISSOT (International Federation of Human Rights - FIDH) expressed concern at the deterioration of the human rights situation in Zaire. In particular, the number of summary executions had increased in that country as a result of the inter-ethnic conflicts in the Shaba and Kivu provinces. In Shaba, for example, the populations from Kasai were the victims of a genuine programme of "ethnic cleansing", for which the provincial authorities were said to be directly responsible. Arbitrary detention was a method of intimidation that was widely practised in Zaire and the impunity of the perpetrators of those atrocities, particularly soldiers, was proof of the extent to which the Zairian population was victimized by human rights violations. FIDH therefore requested the Commission to intensify its monitoring of the situation of human rights in Zaire by appointing a special rapporteur under agenda item 12.

29. In Togo, the armed forces were violently suppressing peaceful demonstrations, committing acts of murder and torture and violating the right to freedom of expression. Moreover, the validity of the August 1993 presidential elections was seriously contested and, during the legislative elections of 20 February 1994, several members of the opposition had been murdered. FIDH requested the Togolese authorities to do everything possible to ensure the safe return of the 300,000 or so Togolese refugees and to invite the Special Rapporteur on Summary or Arbitrary Executions to visit the country. It also called upon the Commission to condemn the violations of the most basic human rights by the Togolese armed forces and to monitor the situation more closely by appointing a special rapporteur.

30. In Chad, too, the situation of human rights had considerably deteriorated. Human rights advocates there were still being harassed, and FIDH was concerned by the risk of physical danger to the leaders of the Chadian Human Rights League. Under those conditions, and in the face of the obstinate refusal of the authorities to cooperate with the Commission, FIDH felt that it was urgent for the Commission to monitor the evolution of the situation and to attempt to prevent it from deteriorating further. FIDH therefore requested the Commission to set up a mechanism for monitoring the situation of human rights in Chad within the framework of the public procedure.

31. In Burundi, an international commission of inquiry had determined that the majority of the members of the armed forces had been actively or passively involved in the attempted coup d'état of 21 October 1993. The seriousness of the violations that were still being committed and their alarming consequences, particularly the massive exodus which they had entailed, were sufficient cause for the Commission on Human Rights to make them the object of its continued attention by requesting a special rapporteur to report to it on the situation at its next session under agenda item 12.

32. FIDH was also deeply concerned by the policy of "ethnic cleansing" of which the Nuba people in the Sudan had been the victim since the military junta had risen to power in 1989. The human rights violations inflicted on that people were part of a policy of systematic extermination and deportation. For example, during the past few months, a special corps, reinforced by Mujahedeen from Iran, Lebanon, Afghanistan, Pakistan and Iraq, had destroyed or wrecked, usually with the help of combat helicopters and bombers, over 50 mountain towns and villages, causing the deportation of thousands of people. FIDH called upon the Sudanese Government rapidly to authorize NGOs to make on-site fact-finding missions. It also requested the Commission to renew the mandate of the Special Rapporteur and ask him to make a special investigation of those events. It strongly condemned the pressure to which the Special Rapporteur had recently been subjected, expressed its complete solidarity with him and felt that the Commission should reiterate its unfailing support for him.

33. FIDH condemned the continued serious and massive human rights violations in Guatemala, although the series of civilian Governments of that country had been given the benefit of the doubt for the past seven years. It requested the Commission to consider the situation of human rights in Guatemala without hypocrisy under agenda item 12. FIDH was also deeply concerned by the continued violations to which the population of El Salvador was being subjected despite the signing of peace agreements and the presence of the United Nations Observer Mission in El Salvador (ONUSAL). In view of the opposition of the Salvadorian authorities to the visit of an independent expert, it invited the Commission to remain vigilant and to renew the mandate of the independent expert so that he could make an on-site visit and present his report to the Commission at its fifty-first session.

34. FIDH was extremely concerned by the increase in human rights violations in China. The number of executions in 1993 had exceeded that of previous years. The increase had been particularly striking in September 1993 after the announcement of the Olympic Committee's decision not to accord Beijing the

Olympic Games in the year 2000. There had been a sharp increase in the repression directed at political and religious dissidents, particularly in Tibet. FIDH was also very concerned by the authoritarian birth-control policy which the Chinese authorities were imposing throughout the country. Over 20 million people, primarily women, had been forcibly sterilized since the mid-1980s. FIDH also condemned the fact that the Chinese authorities, despite their public commitments, had not yet authorized the NGOs to make on-site investigations of the situation of human rights. Under those circumstances, it invited the Commission on Human Rights to appoint a special rapporteur responsible for investigating the situation of human rights in China.

35. In Kosovo, the intensification and consequences of a policy which FIDH had already characterized as apartheid were also very disturbing. Over 14,000 Albanians, including children and the elderly, had had their fundamental human rights violated in 1993. The systematic discrimination against Albanians had been institutionalized and sanctioned by 32 laws and 470 decisions on the part of the Serbian authorities. In view of the worsening situation in Kosovo, FIDH requested the Commission to take rapid preventive measures and, in particular, to encourage the placing of permanent observers in the region.

36. Ms. SCHERER (Amnesty International) said that, during the past year, Amnesty International had issued appeals concerning human rights violations in connection with armed conflicts in more than 15 countries. Most of those violations had been committed by government forces, but Amnesty International had also drawn attention to abuses committed by armed opposition groups. All too often, however, Governments did not respond to such abuses with responsible measures but used them as an excuse for their own serious human rights violations.

37. In Algeria, armed Islamist groups had been responsible for the deliberate killing of hundreds of civilians while Government forces had shot dead over 2,000 members and supporters of armed opposition groups, many of them unarmed. Islamist militants had been the victims of extrajudicial executions and torture. Furthermore, after the promulgation of a new anti-terrorist law, 26 people had been executed and over 370 people had been sentenced to death by special courts.

38. In Colombia, over 20,000 people from all sectors of society had been killed for political reasons since 1986. While it was clear that guerrilla groups had committed abuses which had contributed to the spiral of violence, the evidence showed that the security forces and their paramilitary allies were responsible for most of the killings. Moreover, those responsible for human rights violations were only rarely brought to justice.

39. In East Timor, Indonesian military forces had been responsible for massive human rights violations in response to both armed and peaceful opposition since 1975. It must not be forgotten, however, that, over the past 10 years, more than 7,000 people had been unlawfully executed in Indonesia itself and that many civilians had disappeared in various parts of the country. Those responsible had rarely been brought to justice.

40. In southern Iraq, hundreds of suspected opponents of the Government had been rounded up as part of the Government's continuing crackdown on the Shiite

population. In Baghdad, many people had been arrested and several had been executed. In response to the deterioration in the human rights situation, Amnesty International reiterated its request that the Secretary-General should make available, without further delay, the human and financial resources needed to establish a human rights monitoring operation for Iraq in implementation of the resolution adopted by the Commission at its forty-ninth session.

41. In the Sudan, Amnesty International was particularly concerned by the way in which Government forces and the factions of the armed opposition were assaulting civilians as a deliberate tactic of war. Of particular concern was the situation in the Nuba Mountains in the west of the country, where thousands of villagers had been extrajudicially executed by Government forces. The Sudanese Government had taken no real action and was claiming that the Sudan was the innocent victim of anti-Islamic propaganda. Amnesty International was also extremely concerned by the deliberate killing of thousands of civilians by different factions of the Sudanese People's Liberation Army.

42. In south-eastern Turkey, the security forces had tortured villagers, political activists, journalists, human rights defenders, women and children with impunity. There were clear signs of the involvement of the security forces in political killings in the region. In a new development, "disappearances" were being reported with increasing regularity. Armed opposition groups had also been responsible for grave abuses, a fact which had only further increased the immunity extended to the security forces.

43. While Bosnia and Herzegovina had rightly attracted the scrutiny of the international community, that community had paid scant attention to the situation in Burundi, where, in October 1993, soldiers had executed the Head of State and several other senior officials. The attempted coup d'état had triggered intercommunal massacres which had left more than 100,000 civilians dead. Surviving members of the Government had called for United Nations assistance in setting up a commission of inquiry responsible for investigating the abuses that had occurred.

44. Amnesty International condemned all arbitrary executions of non-combatants and all "disappearances", regardless of who was responsible. In times of armed conflict, both Governments and their opponents should observe the minimum standards laid down by humanitarian law. In a recently published report, Amnesty International had set forth a comprehensive programme for the prevention of "disappearances" and extrajudicial executions, which was based primarily on the international human rights instruments and the recommendations of United Nations bodies and mechanisms. It urged Governments and the Commission to meet the challenge of protecting human rights in the face of internal armed conflicts.

45. Mr. AHDEROM (Baha'i International Community) once again drew the attention of the Commission to the highly precarious situation of the Baha'i community in Iran. For 15 years, the Baha'is had suffered unabated persecution, harassment, arrest and arbitrary imprisonment by the Iranian Government, which was violating their fundamental human rights with impunity. They had no protection under the Constitution and their fears that the

Government intended quite simply to eliminate them had been confirmed the previous year by the revelation, in the report of the Special Representative on Iran to the Commission at its forty-ninth session, of a secret memorandum issued by the Supreme Revolutionary Cultural Council of the Islamic Republic on Iran. That memorandum, dated 25 February 1991, spelled out in detail the Government's intention to block the development of the Baha'i community in all spheres of life in Iran and recommended that efforts should be made to destroy the group's cultural roots outside the country.

46. Despite a lessening of some of the more overt forms of persecution, perhaps with the intention of cooling international concern, the tone of that document and the continued violation of the fundamental rights of Baha'is warranted close monitoring by the Commission. In 1993, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination had examined the periodic reports submitted by the Iranian Government. On those occasions, the Iranian delegation had stated that all citizens were protected under the law and that no one could be harassed on the basis of religion. However, all three United Nations committees had expressed dissatisfaction with the delegation's presentation of the situation of the Baha'is and grave concern for the treatment of the Baha'is in Iran. Young Baha'is continued to be denied access to the universities and thousands of Baha'is were denied the right to work, to own their own businesses or to receive a pension. As of January 1994, 11 Baha'is had been in prison, 2 of them sentenced to death. The rights of Baha'is to function as a religious community and to assemble were also denied, their marriages were not recognized under the law, and their cemeteries, holy places, historic sites and other assets had been confiscated or destroyed. It was abundantly clear that the Baha'is in Iran were persecuted solely on religious grounds. The Government authorities had repeatedly offered to restore their rights if they recanted their faith. The religious nature of that persecution was apparent from the criteria used to arrest and judge them, as was clear from the grounds given for the sentencing to death of two Baha'is by the Court of Tehran. The lack of equal treatment for Baha'is under the law was confirmed by the clemency shown to those who violated their rights. Recently, two members of the disciplinary forces of the Iranian Government who were guilty of murdering a Baha'i had been acquitted and exempted from the payment of "blood money".

47. The Baha'i International Community expressed its gratitude to the Commission for its consistent action in previous years concerning the situation of the Baha'is in Iran. But it must be said that, despite those efforts, their rights were still being disregarded. The Baha'i International Community therefore requested the Commission to renew the mandate of the Special Representative on Iran and to continue its vigilant monitoring of the situation of Baha'is in that country.

48. Mr. FAYEK (Arab Organization for Human Rights) requested the Commission to officially condemn the Hebron massacre, where dozens of Palestinians had been killed, and to take emergency action to avoid the recurrence of a similar tragedy. It was essential for Palestinians to have the benefit of international protection under the Geneva Convention relative to the Protection of Civilian Persons in Time of War. It was clear that the Israeli settlements would continue to harbour extremism, fanaticism and hatred.

49. During 1993, the Arab countries had been the scene of many flagrant human rights violations (killings, summary executions and illegal imprisonment under emergency legislation that was continually renewed). He drew the Commission's attention to the acts of extreme violence committed by certain outlawed Islamist groups in numerous countries, including Algeria, Egypt, Yemen, the Sudan and Jordan. The victims of attacks were not only terrorists or members of the security forces, but also journalists, judges, civilians and foreign tourists. Those acts of violence were accompanied by a whole series of human rights violations (arbitrary arrests, police blunders) and civilians had been brought before the military tribunals where, for example, in Algeria and Egypt, they had sometimes been sentenced to death. The broader powers granted to the security forces in some countries during 1992 and 1993 threatened the institutional reforms that had been under way, and the influence of the military forces on the civilian administration was a serious threat to democracy.

50. The many armed conflicts in the Arab countries had serious consequences for human rights. For example, in the Sudan, the war that pitted the Government and the militia against the Sudanese liberation forces was very hard on civilians and on the victims of summary executions, looting, enforced displacement and bombing. In Somalia, too, military conflicts had expanded, and, while the intervention of the international community in 1992 had saved the population from famine, it had not put an end to the civil war in the country. In that regard, it was important to remember that, as a result of the United Nations operation in Somalia, hundreds of Somali civilians had been imprisoned without being charged or brought to trial. In Djibouti, too, the civil war had caused numerous summary executions and large-scale population migrants, and it was urgent to send a fact-finding mission to that country. The Gulf War had been the cause of great suffering for the Iraqi population, and the economic embargo imposed on the country was doing more harm to the people than to the Government. For that reason, the Arab Organization for Human Rights asked that the embargo should be lifted, but it also requested the Iraqi Government to put an end to the repressive measures which it imposed on its population. The Organization also requested that the recommendations made in the report of the Special Rapporteur on the Situation of Human Rights in Iraq (E/CN.4/1994/58) should be effectively implemented.

51. Mr. JOHNSON (Inter-Parliamentary Union) said that, since the previous session of the Commission, the Inter-Parliamentary Union had expressed its indignation at the crimes and numerous human rights violations in the former Yugoslavia and that its position was reflected in the two resolutions which it had adopted in April and September 1993 (E/CN.4/1994/NGO/26). One of those resolutions stressed the need for urgent action and strongly condemned the practice of "ethnic cleansing", the systematic rape of women and violations of international human rights law and humanitarian law. The Inter-Parliamentary Union also urged the Commission to appoint a woman to a post of special rapporteur for human rights violations committed against women and proposed that a United Nations fund should be created to assist rape victims. The second resolution dealt specifically with the case of displaced persons and expressed support for the establishment of a criminal court responsible for

trying cases involving those responsible for serious violations of international law and humanitarian law and for the mandate of the International Law Commission, which had the task of elaborating a convention against expulsion and displacement of populations.

52. The Committee to Monitor the situation in Cyprus of the Inter-Parliamentary Union had visited Cyprus in January to study the situation there in depth. It had met with political and union representatives and other well-known figures from the Greek Cypriot and Turkish Cypriot communities and with the Special Representative of the Secretary-General in Cyprus. Its mission report, which would be made public after consultation with the parties concerned, would be accompanied by proposals for future activities of the Inter-Parliamentary Union in the search for a political solution to the current situation.

53. The Committee on the Human Rights of Parliamentarians was currently seized with complaints concerning human rights violations affecting 155 parliamentarians in 15 countries (attacks on freedom of expression, arrest without charges being brought or a sentence being handed down, illegal procedures implemented for political reasons, murders). The Inter-Parliamentary Union was particularly interested in protecting the rights of parliamentarians because it felt that they were key figures in the promotion of and respect for human rights and that, whenever their rights were violated, there was reason to fear that the human rights of their constituents would not be respected.

54. He mentioned a number of documented cases in several countries. In Indonesia, a former parliamentarian had been imprisoned for over 25 years and might at any moment be executed. He was accused of subversive activities and had been sentenced to death after a trial which was said to have been unjust. In Uzbekistan, judicial proceedings had been initiated against an opposition parliamentarian. He had been unable to be present at his own trial or to meet with his lawyers. Irregular procedures had been followed with regard to the lifting of his parliamentary immunity, and throughout his trial, a situation which violated democratic principles. In Bulgaria, a parliamentarian was accused of having misused public money while he was Deputy Prime Minister of the country. He had been arrested and, several months later, released, but he was still forbidden to travel under a decision which seemed somewhat arbitrary. In Togo, tensions and violence had cost the lives of several parliamentarians. Those responsible for the murders had not yet been brought to trial and the report of the International Federation of Human Rights, which had been invited by a Minister and the President of the Republic to make an on-sight investigation, had subsequently been denounced by the President of the Republic, who was not overly committed to ensuring that justice was done. In Colombia, political violence had cost the lives of five parliamentarians and it was alleged that those responsible for the killings were members of the armed forces. The latter continued to act with impunity, and the Inter-Parliamentarian Union interpreted the delay in bringing them to trial as a failure attributable to lack of political will. In Honduras, a deputy had been assassinated immediately after testifying before the Inter-American Court of Human Rights with regard to disappearances in his country. As in the previous case, the judicial investigation had never been completed. In Turkey, many Turkish parliamentarians of Kurdish origin were subjected to

serious intimidation in their region, south-east Turkey, which was under a state of emergency. The Union's fears had been confirmed by the recent assassination of one of its members. The danger to other parliamentarians would worsen if those crimes remained unpunished. In Haiti, a parliamentarian had been assassinated and others had been the victims of various attacks on their person or their possessions. The activities of the armed forces and paramilitary groups, which were hindering the mediation process of the United Nations and the Organization of American States with a view to re-establishing a constitutional system in the country, included among their target parliamentarians, who were unable to carry out the mandate entrusted to them by their constituents. In Myanmar, the whole Parliament was prevented from sitting as a result of the political will of the authorities. Three years after the elections, the People's Assembly had not yet been convened, and the Inter-Parliamentary Union was particularly concerned by the fate of several elected members who were being held in custody.

55. He expressed regret that his brief presentation had not been exhaustive and conveyed the full support of the members of the Inter-Parliamentary Union for the activities undertaken to defend the rights of parliamentarians, whatever their country. He concluded with a reminder that when the parliamentarians of a country were able to carry out normally the mandate entrusted to them, that was usually proof that all the citizens of that country were able to exercise their human rights.

The meeting rose at 6 p.m.